

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:08 CR 311
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
NAEL ELKHATIB,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
Defendant)	<u>REFERRAL TO U. S. PROBATION</u>
)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr., regarding the change of plea hearing of Neal Elkhattib, which was referred to the Magistrate Judge with the consent of the parties.

On July 28, 2008, the government filed a one-count Information, charging Defendant, Nael Elkhattib, with Felon in Possession of a Firearm in violation of Title 18 United States Code, Section 922(g). Defendant Elkhattib was arraigned on September 4, 2008, and entered a plea of not guilty to count 1 before Magistrate Judge William H. Baughman, Jr. A superseding Information was filed on March, 8, 2010, charging Defendant Nael Elkhattib, with Possession of a firearm with the serial number obliterated by being filed off in violation of Title 26 United States Code, Section 5861(h). On March 9, 2010, Magistrate Judge William H. Baughman, Jr.,

received Defendant Elkhatib's plea of guilty to count 1 of the Superseding Information and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Nael Elkhatib is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Elkhatib is adjudged guilty to Count 1 of the Superseding Information, in violation of Title 26 United States Code, Section 5861(h). This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on June 2, 2010, at 10:00 a.m. in Courtroom 17-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

March 30, 2010